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ACTION EUR-00

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	DOTE-00	DS-00	EB-00	FAAE-00	UTED-00	VCI-00	H-00
	TEDE-00	INR-00	IO-00	LAB-01	L-00	VCIE-00	DCP-00
	NSAE-00	NSCE-00	OIC-00	OMB-00	NIMA-00	EPAU-00	PA-00
	PER-00	GIWI-00	PRS-00	P-00	SCT-00	DOHS-00	SP-00
	IRM-00	SSO-00	SS-00	STR-00	NCTC-00	FMP-00	R-00
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RELEASED IN PART
B1, 1.4(B), 1.4(D)

P R 030930Z JUL 06
FM AMCONSUL STRASBOURG
TO SECSTATE WASHDC PRIORITY 0042
INFO EUROPEAN POLITICAL COLLECTIVE
DEPT OF JUSTICE WASHINGTON DC
AMCONSUL STRASBOURG

UNCLAS STRASBOURG 000032

SENSITIVE

STATE FOR EUR/WE, EUR/ERA - R. FAUCHER AND L - BELLINGER

E.O. 12958: N/A
TAGS: PHUM, PREL, COE
SUBJECT: COUNCIL OF EUROPE: PARLIAMENTARY ASSEMBLY ADDRESSES RENDITIONS , DEATH PENALTY IN OBSERVER STATES

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1. (SBU) Begin Summary: The Parliamentary Assembly of the Council of Europe (PACE), meeting in Strasbourg June 26-30 called for increased measures to prevent renditions and secret detention centers and recommended suspension of observer states (U.S. and Japan) that have not abolished the death penalty. Speaking after the PACE's discussion of the Marty report into alleged detention centers and alleged renditions of terrorist suspects, EU Justice Commissioner Franco Frattini refused to endorse the Marty report and called for continued European partnership with the U.S. against the terrorist threat. The PACE also cited the contributions of the European Bank for Reconstruction and Development to the economic transformation of Central and Eastern Europe. The Prime Minister of Turkey, Recep Tayyip Erdogan, addressed the PACE on his country's efforts to promote cultural and religious tolerance. The Deputy Minister for Foreign Affairs of the Russian Federation, Alexander Grushko, spoke on Russia's human rights record and his personal opposition to capital punishment. The PACE also passed

UNITED STATES DEPARTMENT OF STATE
CLASSIFIED BY DEPT. OF STATE, L. HEDGBETH, DAS, A/ISS
REVIEW AUTHORITY: ARCHIE M BOLSTER
CLASSIFICATION: CONFIDENTIAL REASON: 1.4(B), 1.4(D)
DECLASSIFY AFTER: 3 JUL 2016
DATE/CASE ID: 27 FEB 2009 200706444

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resolutions (inter alia) on freedom of expression and respect for religious beliefs, praising the referendum in Montenegro, and calling for parliaments to act on domestic violence. The PACE also ratified the credentials of Azerbaijan's 12-member delegation while calling for impartial investigations into electoral fraud there. It also elected judges to the European Court of Human Rights (Finland, Monaco and Switzerland). End Summary

COE PASSES RESOLUTION IN SUPPORT OF MARTY REPORT

2. (U) The Parliamentary Assembly of the Council of Europe (PACE) passed a resolution June 27 calling for a continuation through December of the investigation into alleged renditions and CIA detention centers led by Legal Rapporteur Dick Marty. The resolution, called on member states to undertake a review of bilateral agreements between CoE member states and the U.S., particularly those governing the status of U.S. forces stationed in Europe. The PACE also called for the CoE to ensure that no one is arbitrarily detained on member states' territories, that impartial investigations into allegations of renditions or secret detention centers are carried out and that victims have access to effective remedies. The PACE also urged the U.S. to align its definition of torture and cruel treatment with that defined in the UN Committee against Torture, to prohibit the extralegal transfer of persons suspected in involvement in terrorism to countries that practice torture, and to refrain from prosecuting officials or journalists who bring unlawful detentions to light.

3. (SBU) The three- and -a- half hour session was lively but relatively restrained in tone, with few of the 27 parliamentarians who spoke singling the U.S. out for specific criticism. Several parliamentarians called Marty's report incomplete and inaccurate and criticized as foolhardy the Secretary General's call for transparency among the secret services of member countries.

4. (U) Rapporteur Dick Marty said that the report is not about condemning anyone but is a search for the truth. Marty said that he has no judicial authority but that the report is based on "established facts." Marty praised cooperation from the European Union institutions' satellite agencies. He asked if U.S. agents had rendered terrorist suspects to states notorious for torture and to Guantanamo, answering himself affirmatively. He also noted the need to create a global legal order against terrorism. PACE President van der Linden made the point that the session is not an "anti-American exercise" and noted that U.S. legislators had been invited.

5. (SBU) Franco Frattini, European Commission Vice-President with responsibility for Justice, Freedom and Security, did not endorse the findings of the Marty report but instead stated that it provided member states with answers to questions that transcend national borders. He called for increased dialogue with the U.S. - a "long-standing ally" in Europe's "resistance against tyranny and defense of human rights." Frattini praised the cooperation of European institutions and bilateral contacts within the respective ministries of Interior and said there is a need for greater scrutiny of secret services. He said that it is important to pressure member states to ratify extradition agreements of 2003 with the U.S.; that he is dedicated to strengthening relations between Europe and the U.S.; and it is unthinkable for the US and Europe to be on different sides of the political fence as regards the fight against terrorism.

6. (U) Secretary General Terry Davis emphasized that the: European Convention of Human Rights is a solid body of law and recommended new guidelines for the administration of security services with parliamentary and judicial oversight. "Immunity should not mean impunity," Davis said noting -- without providing details -- that he would propose limitations on state immunity to the Committee of Ministers for review.

DEATH PENALTY

7. (SBU) The PACE passed a resolution June 28 calling on the U.S. and Japan to abolish the death penalty as soon as possible and recommended to the Committee of Ministers that it consider suspending the two Observer countries if no progress on the issue has been made by the end of 2006. Comment: It is highly unlikely that a majority of the Committee of Ministers (made up of the foreign ministers of the 46 CoE countries) would pass such a suspension. The CoM will next meet in December 2006. The U.S. has had observer status for 10 years. End Comment)

8. (SBU) A UK parliamentarian called the threat to withdraw observer status from the U.S. and Japan "completely bonkers." He said that the PACE instead should be looking to further cooperation with the two countries and that the U.S. Congress was not represented at the PACE. (The PACE invited members of Congress to attend its quarterly meetings this year as it generally does; U.S. legislators were unable to attend because the House and Senate remained in session until after the PACE's June 30 conclusion.) Japan did not send parliamentarians but will do so for the October session. CGs for the U.S. and Japan were in attendance.

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9. (SBU) Comment: The CoE last took up the Observer Status/Death Penalty issue in 2003 but took no punitive action against the U.S. or Japan. The Committee of Ministers has not addressed the subject since that time. The issue, however, comes up regularly in the PACE, [redacted] End Comment. B1

10. (U) The PACE also called on the Russian Federation to ratify the European Convention of Human Rights' sixth Protocol, which abolished the death penalty in peacetime. Russia, the current chair of the Committee of Ministers, has had a de facto moratorium on the use of the death penalty for 10 years. Of the 46 member states of the CoE, only the Russian Federation retains the death penalty on its statute books. Two member states, Latvia and Albania, retain the death penalty for crimes committed in times of war.

11. (U) Deputy Minister for Foreign Affairs of the Russian Federation, Alexander Grushko, addressed the PACE, noting Russia's celebration of its 10th anniversary of accession to the Coe. He said that Russia was the first country to ratify the Convention on the Suppression of Terrorism. Grushko said that he personally opposes capital punishment, but many politicians and a majority of the population support it.

OTHER BUSINESS

12. (U) The PACE also passed resolutions that :

EBRD/CEE
--praised the contribution of the European Bank for Reconstruction and Development to economic development in central and eastern Europe, noting the substantial economic progress in eight of its 27 centers of operation in countries that joined the EU in 2004.

Human Rights for Illegal Immigrants:
--called for human rights for irregular migrants, including minimal guarantees of housing, health care, social security, guarantee against exploitation in employment and education for children.

Freedom of Expression and Religion:
--called for freedom of expression and respect for religious beliefs. Prime Minister Recep Tayyip Erdogan of Turkey addressed the PACE on his country's support for cultural and religious tolerance. (The Prime Ministers of Turkey and Spain co-chair the Alliance of Civilizations -a CoE group with the goal of deepening understanding of cultures and faiths built on common and shared values). He said that in order to avoid a clash of civilizations, people must respect one another when

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exercising freedom of expression. Freedom of expression is not the freedom to insult. Anti-Semitism is a crime against humanity and Islamophobia should be seen in the same manner. The debate that followed addressed the clash of freedom of expression vs. freedom of religion surrounding the cartoon caricatures of the Prophet Mohammed.

Montenegrin Independence:
--praised the referendum in Montenegro. The resolution noted that Montenegro had been fully integrated in the Council of

Europe within the framework of the state union prior to its dissolution and, pending membership, the ties between the Council and Montenegro should remain as close as possible. (Comment: The Montenegro representative joined the Observer Group meeting (U.S., Canada, Japan, Mexico, Holy See) with the PACE Secretary General just prior to the start of the Assembly. Montenegro should complete accession to the CoE by the end of the year. The resolution also encouraged Serbia to increase dialogue and cooperation to ease Serbian citizens' increasing feelings of isolation and frustration and to counteract the rising influence of radical nationalist forces. The COE noted its full support for Serbia in its preparation for the Chairmanship of the Committee of Ministers, starting in May 2007. (Russia is the current chair. The COM chairmanship rotates in alphabetical order).

Anti-Violence Campaign to be Launched in November:
--called for national parliaments of member states and observer states to undertake measures against violence against women and children during November 2006-March 2008.

(Full text of resolutions and debate available on http//assembly.coe.int.)
COMMENT

13. (SBU) Comment: The Council of Europe's Parliamentary Assembly covers a diverse and ever-increasing array of issues. Many (within the secretariat and permanent representatives) have told the Strasbourg CG that the continuing expansion of the COE portfolio in an attempt to build the organization's legitimacy may be its downfall. Lengthy and unenlightening sessions result in poor attendance. Only twenty parliamentarians attended the death penalty session, which did not begin until about 7:00 p.m..

B1

13. (SBU) Comment continued. Outside of the PACE, the work of the CoE is commendable and U.S. and other countries' experts consistently praise its various professional groups. The CoE provides an excellent forum in which to engage internationally on issues ranging from cyber crime and bioethics to higher education. The day before the PACE, the CoE hosted some 50 university presidents -- 15 from the U.S. -- for a forum on democratic values and higher education. From the Strasbourg perspective, it is worthwhile to continue to engage the CoE and its Parliamentary Assembly on the tough issues, [redacted] B1

[redacted] END COMMENT.

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